

FILED

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

FEB 08 1999

PEGGY B. DEANS, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF N.C.

IN RE:)	CHAPTER 7
)	
INTERNATIONAL HERITAGE, INC.)	CASE NO. 98-02675-5-ATS
)	
Address:)	
2626 Glenwood Avenue, #200)	
Raleigh, NC 27608)	
)	
TAX ID#56-1921093)	
)	
Debtor.)	

**TRUSTEE'S EMERGENCY EX PARTE MOTION FOR RESTRAINING ORDER,
THE FREEZING OF BANK ACCOUNTS, AND THE TURNOVER OF BANK
RECORDS**

NOW COMES Holmes P. Harden, Trustee, through special counsel, and files this Emergency Ex Parte Motion For Restraining Order, the Freezing of Bank Accounts, and the Turnover Bank Records. In support of this Motion, the Trustee states:

1. This case was filed under Chapter 7 of the Bankruptcy Code on November 25, 1998.
2. Holmes P. Harden was appointed Chapter 7 Trustee.
3. The meeting of creditors pursuant to section 341 was held on December 30, 1998. At this meeting, the Trustee examined Mr. Stanley VanEtten, former president of the Debtor.
4. At the creditors meeting, Mr. VanEtten indicated that the list of the Debtor's approximately 190,000 sales representatives was a valuable asset of the estate.
5. Specifically, Mr. VanEtten indicated that this list could be sold to a single "list broker" for about \$1 per name, or \$190,000. Alternatively, the list could be sold to multiple customers, with the possibility of generating more total dollars.
6. The Trustee is currently marketing the list and has made inquiries to approximately 150 companies. The Trustee understands that Mr. VanEtten is also marketing the list on the Internet in an attempt to find a purchaser for the list from the Trustee.

7. On Friday, February 5, 1999, the Trustee learned of a world wide web page advertising the sale of ten copies of the customer list for \$3,500 each, with the monies to sent to "New World Junction" and listing an account at Bank of America in San Francisco, California. A copy of the web page is attached as Exhibit "A".

8. The Trustee believes that the distribution of the mailing list constitutes, among other things, the theft of an asset of the estate and a violation of the automatic stay.

9. The Trustee believes that the value of the mailing list may have been diminished by this world wide web advertisement and may continue to diminish every moment the add continues to run.

10. The Trustee believes that irreparable harm may be done to the estate unless the web page is immediately removed and the New World Junction account immediately frozen.

11. The trustee further believes that Bank of America should be immediately ordered to turn over to the Trustee all information regarding the advertised bank account, including information regarding the individuals and entities opening the account, and information regarding all deposits and withdrawals from the account. The Trustee will use this information to notify all involved parties of the automatic stay and of this Court's orders. The Trustee further intends to make a prompt report of all individuals involved in this apparent crime to the United States Attorney for appropriate action.


12. The Trustee has contacted Bank of America, and Bank of America has refused to divulge any information regarding the account.

WHEREFORE, the Trustee respectfully requests, on an emergency and ex parte basis, that the Court:

1. Order Bank of America to freeze the account referenced in the advertisement;
2. Order all individuals or entities with actual notice of the Order to refrain from advertising for sale or selling the list of former representatives;
3. Order Bank of America to immediately turn over all information regarding the bank accounts of New World Junction; and
4. Order the publisher of the attached web page to remove the web page or otherwise render it inaccessible.

This the 8 day of February, 1999.

MERRITT, WOOTEN & JANVIER, P.A.



William P. Janvier
Attorney for Trustee
N.C.S.B. No. 21136
P.O. Box 3007
Raleigh, NC 27602
Telephone: (919) 834-9160

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing *Motion* has been served upon each of the parties listed below by via telefax this 8 day of February, 1999.

Mrs. Marjorie K. Lynch
Bankruptcy Administrator
P.O. Box 3758
Wilson, NC 27895-3758



William P. Janvier

Leaders Club Forum: View Message Text

Exhibit "A"

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LEADERS CLUB
forum.com
Online Articles & Resources For Home Businesses, Small Businesses and Network Marketing

View Message Text

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Steal A downline Today!

Submitted by New World Junction (<info@nwi.org>) on 1/15/1999.

Network marketers steal a downline today!

Forget warm marketing or targeted advertising. This recruiting opportunity you've always dreamed of!! Adversity creates opportunity!

International Heritage, Inc. has gone out of business, and nearly 200,000 sales representatives are looking for a home. Get their top producers TODAY!

Everyone has heard of IHI's explosive growth. Over the past 3 years, these representatives sold more than \$200 million worth of products and services. Million dollar producers are now looking for a new opportunity. Timing is perfect!

See who the top producers at IHI were. You can purchase the name, addresses and phone numbers of their entire database of U.S. and Canadian representatives for only \$3,500!

Order Today! Send money order or certified check to:

New World Junction
P.O. Box 1473
San Bruno, CA 94066

Account: New World Junction
Bank of America
955 El Camino Real
South San Francisco CA, 94080
650/615-4700

Make sure you e-mail us back right away!

In respect to IHI reps and for their privacy, we will only sell 10 copies of IHI's data base. So hurry and order now!

(Database format: Excel spreadsheet on 3.5" floppy disks)

The Early Bird Catches the Worm!